

1 **Rule 4-401.02. Possession and use of portable electronic devices.**

2 **Intent:**

3 To permit the use of portable electronic devices in courthouses and courtrooms, subject to local
4 restrictions.

5 **Applicability:**

6 This rule applies to the courts of record and not of record.

7 **Statement of the Rule:**

8 (1) Definitions.

9 (1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner who
10 is presiding over the proceeding.

11 (1)(B) "Portable electronic device" as used in this rule means any device that can
12 record or transmit data, images or sounds, or access the internet, including a
13 pager, laptop/notebook/personal computer, handheld PC, PDA, audio or video
14 recorder, wireless device, cellular telephone, or electronic calendar.

15 (2) Possession and use of portable electronic devices in a courthouse.

16 (2)(A) A person may possess and use a portable electronic device anywhere in a
17 courthouse, except as limited by this rule or directive of the judge.

18 (2)(B) All portable electronic devices are subject to screening or inspection at the time
19 of entry to the courthouse and at any time within the courthouse in accordance
20 with Rule 3-414.

21 (2)(C) All portable electronic devices are subject to confiscation if there is reason to
22 believe that a device is or will be used in violation of this rule. Violation of this rule
23 or directive of the judge may be treated as contempt of court.

24 (2)(D) For the limited purpose of conducting a pilot project to evaluate the performance
25 of justice court judges using courtroom observation, the Judicial Performance
26 Evaluation Commission may record and transmit video and sound of court
27 proceedings. These recordings and transmissions are not public, pursuant to
28 Utah Code sections 63G-2-201(3) and 78A-12-206.

29 (3) Restrictions.

30 (3)(A) Use of portable electronic devices in common areas. The presiding judges may
31 restrict the time, place, and manner of using a portable electronic device to

32 maintain safety, decorum, and order of common areas of the courthouse, such
33 as lobbies and corridors.

34 (3)(B) Use of portable electronic devices in courtrooms.

35 (3)(B)(i) A person may silently use a portable electronic device inside a
36 courtroom.

37 (3)(B)(ii) A person may not use a portable electronic device to record or
38 transmit images or sound of court proceedings, except in accordance
39 with Rule 4-401.01 or subsection (2)(D) above.

40 (3)(B)(iii) A judge may further restrict use of portable electronic devices in his or
41 her courtroom. Judges are encouraged not to impose further
42 restrictions unless use of a portable electronic device might interfere
43 with the administration of justice, disrupt the proceedings, pose any
44 threat to safety or security, compromise the integrity of the
45 proceedings, or threaten the interests of a minor.

46 (3)(B)(iv) During trial and juror selection, prospective, seated, and alternate
47 jurors are prohibited from researching and discussing the case they
48 are or will be trying. Once selected, jurors shall not use a portable
49 electronic device while in the courtroom and shall not possess an
50 electronic device while deliberating.

51 (4) Use of portable electronic devices in court chambers. A person may not use a portable
52 electronic device in chambers without prior approval from the judge.

53 (5) Instruction to witnesses. It should be anticipated that observers in the courtroom will use
54 portable electronic devices to transmit news accounts and commentary during the
55 proceedings. Judges should instruct counsel to instruct witnesses who have been
56 excluded from the courtroom not to view accounts of other witnesses' testimony before
57 giving their own testimony.

58 *Effective May/November 1, 20__*